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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**UTILITY PATENT APPLICATION
TRANSMITTAL LETTER
UNDER 37 C.F.R. 1.53(b)**

ATTORNEY DOCKET NO.:
11443/45

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231
Box Patent Application

Transmitted herewith for filing is a patent application.

Inventor(s): Michael P. WHITMAN, John BURBANK,
David ZEICHNER

For: **ELECTRO-MECHANICAL SURGICAL DEVICE**

Enclosed are:

1. 41 pages of Specification, 9 pages of Claims and 1 page of Abstract;
 44 pages of Drawings
2. Applicants are deemed to be a small entity and are entitled to small entity status.
3. Applicants hereby claim the benefit of the priority dates of U.S. Patent Application Serial No. 09/723,715, filed on November 28, 2000, Serial No. 09/324,451, filed on June 2, 1999, Serial No. 09/324,452, filed on June 2, 1999, Serial No. 09/351,534, filed on July 12, 1999, Serial No. 09/510,923, filed on February 22, 2000, Serial No. 09/510,927, filed February 22, 2000 and Serial No. 09/510,932, filed on February 22, 2000, under 35 U.S.C. § 120.

Express Mail No. EL234413165US

The filing fee has been calculated as shown below:

	NUMBER FILED	NUMBER EXTRA*	RATE (\$)	FEE (\$)
BASIC FEE				710.00
TOTAL CLAIMS	44	- 20 =	24	18.00
INDEPENDENT CLAIMS	4	- 3 =	1	80.00
MULTIPLE DEPENDENT CLAIM PRESENT				270.00
Number extra must be zero or larger			TOTAL	1,222.00
If the applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	611.00

4. Please charge the required application filing fee of \$611.00 to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
5. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or arising during the pendency of this application, with the exception of the Issue Fee, or to credit any overpayment, to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
6. When payment of any Issue Fee under 37 C.F.R. § 1.18 and/or Post Issuance Fee under 37 C.F.R. § 1.20 has previously been expressly authorized, the Commissioner is hereby authorized to charge payment of any deficiency in these fees to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
7. A duplicate of this letter is enclosed for that purpose.

Respectfully submitted,

Dated: April 17, 2001

By:



Clifford A. Ulrich (Reg. No. 42,194)

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TYPE OF DOCUMENT CIP Application

RE: WHITMAN, Michael P., et al.

SERIAL NO. To be assigned FILING DATE None with

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Electro-Mechanical Surgical Device

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